

**Report to the North Carolina General Assembly
Environmental Review Commission**



***Report on DCM's Program Change Submittal to NOAA
Regarding Session Laws 2024-45 and 2024-53***

December 1st, 2024

**Division of Coastal Management
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

**Pursuant to SL 2024-45, Sections 16.1.(c), 16.1A.(b); and SL 2024-53, Sections
4C.11(c), 4C.12(c)**

The purpose of this report is to provide a status update regarding DEQ's activities pursuant to Session Law 2024-45, Sections 16.1.(c) and 16.1A.(b), and SL 2024-53, Sections 4C.11(c) and 4C.12(c).

Sections 15.1 and 16 of SL 2024-45 that directed changes to the CAMA rules were repealed by SL 2024-53 and replaced with statutory changes.

All sections of SL 2024-45 read as follows:

No later than August 1, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed changes made to Article 7 of Chapter 113A of the General Statutes, as enacted by subsection (a) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning September 1, 2024, until such time as the General Assembly repeals this reporting requirement.

SL 2024-53, Section 4C.11(c) reads as follows:

No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-118, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

SL 2024-53, Section 4C.12(c) reads as follows:

No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-115.1, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

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A. Background

Session Law 2024-45 directed North Carolina's Coastal Resources Commission to amend statutes and rules applicable to dock, pier, and walkway replacement and to authorize the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction. Sections 15.1 and 16 of Session Law 2024-45 were repealed by Session Law 2024-53 and the corresponding language was inserted as statutory changes through Sections 4C.11 and 4C.12 of Session Law 2024-53.

Additionally, Session Law 2024-45 amends the NC Coastal Area Management Act to exclude aquaculture from the definitions of "Development" and authorizes the replacement of certain erosion control structures within an ocean shoreline.

In addition to the amendments above, Session Law 2024-45 requires the Department of Environmental Quality prepare and submit to the United States National Oceanic and Atmospheric Administration (NOAA) the amendments for approval no later than August 1, 2024. Session Law 2024-53 requires the Department to submit the corresponding changes to NOAA no later than November 15, 2024.

B. DCM's Program Change Request

In order to satisfy Session Law 2024-45, DCM submitted a Program Change Request to NOAA on July 24, 2024. In accordance with NOAA's Program Change Request rules, DCM also published a public notice on 7/24/2024. The public comment period ended on August 14, 2024, and NOAA's decision date to concur in the incorporation of the Program Change was August 23, 2024; however, prior to the modification submitted as a result of SL 2024-53, NOAA had extended their review four times, and the review period was expected to end on November 4, 2024. Then, Session Law 2024-53 repealed Session Law 2024-45 Sections 15.1 and 16 and amended the NC Coastal Area Management Act to codify permitting changes applicable to dock, pier, and walkway replacement and the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction. DCM has submitted the modification of their original Program Change Request to NOAA to reflect Session Law 2024-53, and the NOAA review deadline, as of November 4th, is expected to be November 22nd.

C. Future Updates

DCM will continue to report on the status of this Program Change quarterly, until such time as the General Assembly repeals this reporting requirement.